

1860-001

Lee Co.

Chancery Causes: Eli B. Crockett vs. John J. Carroll

Unbarger

CA - Debt

T - Property

To the Worshipfull, the County Court of Lee
County Virginia,

The bill of complaint of Eli B. Crockett of said
County, respectfully represents, that on the 18th day of
August 1859, your Orator obtained, in the County Court
of Lee County Virginia, a decree against the personal
representative of William H. H. Sproul, Deceased, John T.
Kiddings, and John J. Carroll for the sum of Three
hundred and sixty six Dollars, and sixteen cents,
with interest from the 1st day of August 1858, till
paid, and the costs, amounting to \$29.17. On said de-
-cree, an execution issued against the goods and chattels
of said Deft, which execution has been returned
"no property found". Your Orator knows of no
property, either real, or personal, belonging to
the Defts, or either of them, out of which the said
debt, principle, interest and costs can be made,
except a tract of land of 100 acres, conveyed by Au-
-gustus Carroll, to his five heirs, of whom the
said John J. was one, his interest in said tract or parcel
of land, being one undivided fifth part, (for a more
particular description of said tract, or parcel of land
reference is hereby made to the said deed, on record
in the Clerks office of Lee County Virginia.) Said tract
or parcel of land lies on the North Side of Wallings
Ridge in said County, about seven miles from Jones-
-ville, and another tract of sixty acres conveyed by
of the Circuit Court of Lee County to Robert Quarry
and said John J. Carroll, previously conveyed by Joseph
Daugherty to Benjamin and Augustus Carroll,
adjoining the former tract. Said John J. Carroll's
interest in said last mentioned tract or parcel of land
is one moiety of the whole.

Your Orator knows of no other property in this—

County, or State, out of which the said debt, principle
interest and costs, can be made, and being without
an adequate remedy at common law and relievable
only in a Court of Equity, his prayer therefore is that
the said John J. Carroll be made a party Defendant
to this bill and required to answer the allegations
of this bill, completely & fully & truly on oath,
that order of publication be made as to said
John J. Carroll; and that on hearing of the
Cause, a decree be rendered subjecting the
interest of said Carroll in said two tracts of land
to the payment of said debt, principle, interest
and costs; that a Commissioner be appointed
to make sale of the same and out of the proceeds
to pay the said debt, principle, interest & costs,
and also the costs of this suit.

And your Orator will ever pray &c,

May the C. Wealth's writ of ~~sequestration~~ ^{sequestration} &c

Sharp for Plff

Eli B. Crockett
H. 3 Bill in Chy.
John J. Carroll

1860. May - Bill filed and
Order of Publication
" June Continued
" July - Done in di
" Aug - Continued
" Sept - Continued
" Sept. Term Done

ch. to Sept 1860.

Chas. B. 1st Dec. 1860

Eli B. Crockett }
vs } Decree
John J. Carroll }

This Cause came on this 18th day of September 1860, to be heard on the bill of Complaint filed by the Complainant in this Cause and the exhibits filed in the Cause, and was argued by Counsel, and it appearing to the Court that the Deft in this Cause has had legal notice of by publication for four successive weeks in the Abingdon Virginian a Newspaper published in this State, and the ~~said~~ bill having been filed ~~for~~ more than two months before this term of this Court, and the Deft not appearing and answering the Complt's bill, the same is taken for Confessed. It is therefore ordered, adjudged and decreed that Henry T. Morgan be appointed a Commissioner, who shall, after giving twenty days public notice of the time & place of sale, by posting a written notice to that effect on ^{door of the} the Court House of Lee County, proceed to sell ^{interest in the} the land mentioned in Complt's bill, of the said Deft, ^{at public outcry to the highest bidder} for ready money and out of the proceeds pay the said debt, principle, interest and Costs, and the Costs of this suit, and the overplus if any, to the Deft, or his order, and he shall make conveyance of said land to the purchaser, and report to the next Term of this Court thereof.
=ter.

E B Crockett
vs } Decree
John J. Carroll

Entered

Virginia.

At a court continued and held for Lee County, at the Court house thereof on Tuesday the 18th day of September 1860.

Eli B. Crockett. Plff.

against

vs.

In Chancery-

John B. Carroll Hgts.

This cause came on the 18th day of September, 1860. to be heard, on the bill of Complainant, filed by the Complainant in this cause, and the exhibits filed in the cause, and was argued by counsel, and it appearing to the court, that the defendant in this cause, has had legal notice, by publication, for four successive weeks, in the "Abingdon Virginian", a newspaper published in this state, and the bill having been filed for more than two months, before this term of this court, and the defendant not appearing, and answering the Complainant's bill, the same is taken for confessed.

It is therefore ordered, adjudged and decreed that Henry C. Morgan, be appointed a commissioner, who shall after giving twenty days notice of the time and place of sale, by posting a written notice to that effect, on the door of the Court house of Lee County, proceed to sell the interest in the land, mentioned in Complainant's bill, of the said defendant, at public outcry, to the highest bidder, for ready money, and out of the proceeds, pay the said debt, principal, interest and costs, and the costs of this suit, and the surplus if any, to the debt, or his order, and he shall make conveyance of said land, to the purchaser, and report to the next term of this court, thereafter.

A Copy.

Test,

H. C. Morgan, C. C.

104
Eli B. Crockett

vs 3 Copy Deere

John P. Carroll

The deposition of ~~Samuel H. Umbarger~~
taken pursuant to notice of Publication, at Thomas
Baylor Taylor shop in the County Virginia, on
the 18th day of August 1860 to be read as evidence
~~in my~~ ^{for Eli B. Crockett} behalf, in a certain suit in chancery now
pending in the County Virginia, wherein said Crockett
is Plaintiff and John I. Carroll is defendant.

Samuel H. Umbarger a witness
of lawful age after ^{being} duly sworn
deposes and says.

I am acquainted with a tract of
land on which Robert Queen now lives
and understand that John I. Carroll has an
interest in said land, and I do not think it
would rent for more than fifty dollars
per annum.

and further this deponent saith not
S H Umbarger

I Thomas Baylor a Justice of the
Peace in & for the County & State above
named, do hereby certify that the depo-
-sition of Samuel H. Umbarger was
taken, sworn and subscribed before
me at the place and time mentioned in
the foregoing caption, given under
my hand this 18th day of August 1860

Thos Baylor J.

Justice fee 75 cts
witness attendance 50
\$1.25

E. B. Crockett
vs. } deposition
John J. Carroll

Received of the justice
before whom they were taken
H. Morgan & Co

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

John J. Carroll

to appear before the Justices of our County Court for Lee county, at the Court House,

on the 1st Monday in May 1860

to answer

a bill in Chancery exhibited in our said Court against

him

by

Eli B. Brock Pitt

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *30th* day of *April* 18*60*, in the *84th* year of the Commonwealth.

H. J. Morgan

5
Eli B. Crockett

vs 3 Spain in ch

John J. Carroll

May Rules 1860

April the 20th 1860
not Executed the
Supremacy not bearing
a president of Virginia
Samuel L. Saul Is

The Commonwealth of Virginia,

WE COMMAND YOU TO SUMMON *John J. Carrall* TO THE SHERIFF OF LEE COUNTY—GREETING:

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday*
in May 1860 —————
a bill in Chancery exhibited in our said Court against *him* by *Eli B. Brockitt* to answer

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this
30th day of *april* 1860, in the *84th* year of the Commonwealth.

H. J. Morgan Clk
A Copy To *H. J. Morgan Clk*

VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

May 25, 1860—4w*

VIRGINIA:—At Rules held in the Clerk's
Office of the County Court of Lee county,
on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. -MORGAN, c. c.

May 25, 1860—4w

VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant, }
vs. } IN CHANCERY.
John J. Carroll, Defendant, }

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

May 25th 1860—4w

VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:
Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

Virginia

at Rules held in the clerks office of the county
court of Lee county on Monday the 7th day of May
1860.

Eli R. Crockett Complainant

vs.

John F. Carroll Defendant

In Chancery

The object of this suit, is to Subject certain lands
in the bill mentioned to sale, for the payment of
a debt, therein mentioned, and it appearing from an
affidavit filed in the cause, that said Carroll is
not an inhabitant of this commonwealth, It is
therefore ordered that the said John F. Carroll do
appear here within one month after the publication
of this order, and do what is necessary to protect
his interest,

Teste H. Morgan, C. C.

Lee County, To wit

Henry J. Morgan personally appeared before the
undersigned
and made oath that he posted a correct copy of the above
order on the door of the court House of Lee county on
Saturday the 19th day of May 1860, Given under
my hand this day of 1860

Elie B. Crockett

of Order Publication

John F. Carroll

Postage 60
6

VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *August 4th 1860*

Printer's fee, \$

Geo. R. Barr,
Jr. Ed. "Virginian"

VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:
Eli B. Crockett, Complainant.

vs.

} IN CHANCERY.

John J. Carroll, Defendant.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

VIRGINIA, *Washington County, to wit:*

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *August 17th 1860.*

Chas. B. Coale

Printer's fee, \$

Sr. Ea "Virginian"

MR. JOHN J. CARROLL,
TAKE notice, that on the 18th day of August next, at the tailor shop of Thomas Bayler, in Lee county, I will take the deposition of Samuel H. Umbarger and others, which depositions are intended to be read as evidence in my behalf in a suit in Chancery, now pending in the County Court of Lee county, Virginia, wherein I am complainant and you are defendant. If necessary, I will continue from place to place and from time to time, till all be taken

ELI B. CROCKETT.

July 27, 1860—jw^d